

**ZONING BOARD OF APPEALS
CITY OF BARABOO**

Date: Thursday, October 22, 2020, 11:00 A.M.

Location: City Service Center Conference Room – 450 Roundhouse Court, Baraboo, Wisconsin

Members Noticed: B. Madalon, F. Hartmann, D. Kehoe, P. Liston, B. Boyd, A. Burton

Others Noticed: Mayor Palm, Administrator Geick, City Engineer Pinion, Building Inspector Krautkramer, Atty. Truman, Eric & Malarie Montie

1. Call to Order

- a. Note compliance with the Open Meeting Law.
- b. Approve agenda.

2. Public Hearings

Appeal of *Eric & Malarie Montie*, to grant a 8-foot front yard variance from the required 25-foot setback pursuant to §17.20A(6)(a)1 for the construction of a wrap-around porch on the existing single family residential dwelling, located at 614 Ash Street, Baraboo, WI.

3. New Business

Appeal of *Eric & Malarie Montie*, to grant a 8-foot front yard variance from the required 25-foot setback pursuant to §17.20(6)(a)1 to allow the construction of a wrap-around porch on the existing single family residential dwelling, located at 614 Ash Street, Baraboo, WI.

4. Adjournment

Agenda prepared by Kris Jackson, 355-7309

Agenda Posted by Kris Jackson on October 9, 2020

PLEASE TAKE NOTICE, any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 101 South Blvd., or phone 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

FOR INFORMATION ONLY, NOT A NOTICE TO PUBLISH

For Office Use:	Date		Date
<input type="checkbox"/> Application given by _____	_____	<input type="checkbox"/> Referred to Council	_____
<input type="checkbox"/> Received by Bldg. Inspector	_____	<input type="checkbox"/> Public Hearing Set	_____
<input type="checkbox"/> Fee received by Treasurer	_____	<input type="checkbox"/> Date Notices Mailed	_____
<input type="checkbox"/> Building Inspector Certification	_____	<input type="checkbox"/> Public Hearing Published	_____
<input type="checkbox"/> Filed with City Clerk	_____	<input type="checkbox"/> Public Hearing Held	_____
<input type="checkbox"/> Referred for Staff Review	_____	<input type="checkbox"/> Bd of Appeals Action	_____

City of Baraboo
 101 South Blvd.
 Baraboo, WI 53913
 (608) 355-2730 phone #
 (608) 355-2719

FOR TREASURER USE
Receipt # _____
Account # 100-22-4440

PAID \$250.00
 ck

SEP 25 2020

CITY OF BARABOO

Application for Variance

(A non-refundable \$250 fee must accompany this application upon filing.)

Date of Application: 9/21/2020

Applicant or Agent: Eric and Malarie Montie

Address: 614 Ash Street, Baraboo, WI Phone: 608 393 4596

Owner of Property: Eric and Malarie Montie

Address: Same as above

Legal Description of Property (as it appears on property deed, attach copy of deed): _____

City of Baraboo formerly Adams S100' of W33' of Lot 5
and S100' of Lot 6 Block 24

Tax Parcel #: 1446-00000 Lot size: .15 acres or 100' by 99.37'

Present Use: Single Family Residential Zoning District: R-1A

Present improvements on land: _____

Proposed Use: Single Family Residential — restoring porch

Terms of Ordinance: 17.20A(6)(a)1

setbacks for R-1 properties are
25' from streetline

Variance Requested:

requesting a setback of
approximately 110' from sidewalk

Specify Reason for Petition:

please see attached

* also please see signatures and addresses of neighbors
in support of our proposed porch project that are
attached to this request.

ATTACH THE FOLLOWING TO THIS APPLICATION:

1. Adjoining owners; all names and addresses of all abutting and opposite property owners within 200 feet.
2. Plot Plan - show the area involved, its location, dimensions, and locations of adjacent structures within 200 feet of the area.

Date: 9/21/2020

Signed: _____

Marie Marie

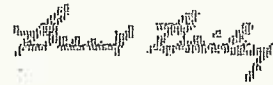
I have reviewed the application for completeness.

Date: _____

Zoning Administrator: _____

REAL ESTATE
MORTGAGE SATISFACTION

DDC# 1199361
Recorded
June 12, 2020 9:00 AM



REGISTRAR'S OFFICE
SAUK COUNTY WI
RECEIVED FOR RECORD
Fee Amount: \$30.00

COPY

Westby Co-op Credit Union,
located in the County of VERNON, State of
Wisconsin, does hereby certify and acknowledge, that a certain
mortgage, made and executed by ERIC M MONTIE AND
MALARIE J MONTIE, HUSBAND AND WIFE, AS SURVIVORSHIP MARITAL
PROPERTY

now held and owned by the credit union above named and recorded
in the office of the Register of Deeds in and for SAUK
County, in the State of Wisconsin, to wit:

- ☐ Description provided in attached addendum.
☒ Description provided below:

THE SOUTH 1/2 OF LOT 6, AND THE SOUTH 1/2 OF THE WEST 1/2
OF LOT 5, BLOCK 24, ADAMS, CITY OF BARABOO, SAUK COUNTY,
WISCONSIN.

RETURN TO
Westby Co-op Credit Union
PO BOX 70
Westby, WI 54667

30-
①

206-1446-00000

Parcel Identification Number (PIN)

Mortgage dated 12/20/2019, recorded in Volume/Reel _____ of Records/
Mortgages, on Page/Image _____, Document No. 1191251, is
hereby satisfied. The Register of Deeds of said County is hereby authorized to enter this
satisfaction of record.

Dated 05/29/2020 _____ Westby Co-op Credit Union.

BY:

Signature Title of Officer

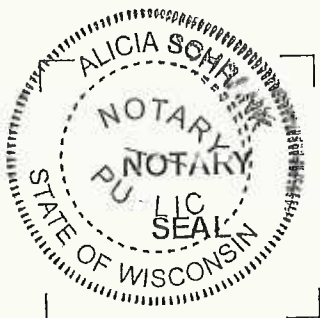
* Debra Smith Reedsburg Branch Manager

COUNTERSIGNED BY:

Signature

Title of Officer

*



Acknowledgment

State of Wisconsin,

Sauk

County

ss.

This instrument was acknowledged before me on
05/29/2020, by

Debra Smith

as Reedsburg Branch Manager

and

in the office of the Register of Deeds in and for SAUK

County, in the State of Wisconsin, to wit:

☐ Description provided in attached addendum.

☒ Description provided below:

THE SOUTH 1/2 OF LOT 6, AND THE SOUTH 1/2 OF THE WEST 1/2 OF LOT 5, BLOCK 24, ADAMS, CITY OF BARABOO, SAUK COUNTY, WISCONSIN.

RETURN TO

Westby Co-op Credit Union
PO BOX 70
Westby, WI 54667

206-1446-00000

Parcel Identification Number (PIN)

Mortgage dated 12/20/2019, recorded in Volume/Reel _____ of Records/
Mortgages, on Page/Image _____, Document No. 1191251, is
hereby satisfied. The Register of Deeds of said County is hereby authorized to enter this
satisfaction of record.

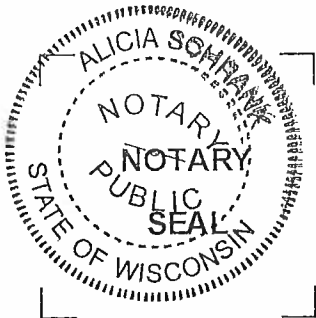
Dated 05/29/2020 _____ Westby Co-op Credit Union.

BY: Debra Smith
Signature Title of Officer

* Debra Smith Reedsburg Branch Manager

COUNTERSIGNED BY:

Signature Title of Officer



Acknowledgment

State of Wisconsin,
Sauk _____ County } ss.

This instrument was acknowledged before me on
05/29/2020, by

Debra Smith
as Reedsburg Branch Manager
and _____
as _____
of _____

Westby Co-op Credit Union.

THIS INSTRUMENT WAS DRAFTED BY:

Alicia Schrank

* Type or print name signed above.

* Alicia Schrank
Notary Public, _____
Sauk _____ County, Wisconsin.
My commission expires 05/14/2021

Section 59.43 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary, Section 59.43 (5) similarly requires that the name of the person who, or governmental agency which, drafted such instrument, shall be printed, typewritten, stamped or written thereon in a legible manner.

Countersignature is not required unless the credit union has recorded a resolution specifying otherwise in the office of the register of deeds. Section 706.03 (3).

To Whom It May Concern,

Thank you for taking the time to review this variance request. We realize it is long, however we wanted to be sure to address not only the three standards for approving a variance but also several other points under consideration when making this decision. It is our understanding that the granting of a variance requires that the party appealing carries the burden to prove to the Board that an unnecessary hardship exists. This hardship must be unique to the property in question and the granting of the variance must not harm the public or undermine the purpose of the Code. The Code in question is 17.20A(6)(a)1 and relates to setbacks for R-1 properties. The Code states that the setback should be no less than 25' from the street line. The home, built in 1887, originally had a wrap-around porch (photo 1). We would like to restore the original wrap-around porch, however the current setback requirements prohibit us from doing so. The purpose of restoring the porch is two-fold, to protect the foundation from undue deterioration and water penetration and to restore the historical integrity of the home. Our proposed porch restoration would request a variance allowing a setback of approximately 16' from the sidewalk that abuts the front of our property. In an attempt to prove to the Board that an unnecessary hardship exists we would like to address all three standards and how they relate to the property and variance under consideration. The three standards are as follows: 1. "Compliance with the strict letter of the applicable restrictions would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity to such restrictions unnecessarily burdensome" 2. "The hardship or difficulty must relate to the unique physical characteristics of the property and the hardship or difficulty must be peculiar to the property in question and different from that of other parcels and not one which affects all parcels similarly" 3. "The granting of the variance must neither harm the public nor undermine the purpose of the Codes".

To address Standard 1, the current state of the property, which does have a small porch in front of the main entrance with a shallow overhang, does not offer adequate protection of the foundation where the original porch once existed. The remaining front of the house along with a small portion of the home along the alley side are still exposed. The foundation behind the original porch was never intended to be exposed and was constructed of a different type of limestone, one that is much softer and deteriorates faster when exposed to excessive moisture. The remainder of the foundation is made up of a significantly harder limestone which will hold up better when exposed to prolonged moisture (photos 2 and 3). According to one of several masons we had asked opinions of, "unless the softer limestone portion of the foundation is protected from the weather, deterioration will persist and water seepage in the basement will continue to be a problem." (Please see the attached letter from a masonry professional for further explanation.) Due to the exposure, the foundation has seen increased deterioration and, as a result, the basement of the property takes in water with even mild rainfall (photos 4-7). We are unable to store anything in our basement that is susceptible to water damage. Not only can we not use our basement, but standing water and a constant moist environment leads to warped floor joists and mold growth. There are plenty of structural issues that will persist if we cannot keep the moisture out of our home. There are also many health concerns and complications when it comes to mold. We have three small children in our home, ranging from 1 year old to 4 years old. Their health and well-being are our top priority. We simply cannot let water continue to enter the basement. We are constantly running multiple dehumidifiers to keep the area somewhat dry in an attempt to keep mold and mildew at bay. We do understand that it is the nature of a 130-year-old home to have a damp basement on occasion, however we are unable to store anything that is vulnerable to water damage in

this portion of the basement. We have already attempted to remedy the situation through different means that do not require a variance. The entire foundation was recently tuckpointed (end of June into early July). In addition to the tuckpointing, the masons dug 12" below grade and poured a 10" concrete slab that slopes away from the foundation. The masonry work cost \$4000.00. We have also had our entire front lawn regraded to allow the water to run away from the foundation. Despite the extensive masonry and landscaping work, we still have water entering the basement at the front of the home. We have also sought out bids from basement professionals to waterproof the basement, the least expensive of which was over \$17,000 and does nothing to protect the foundation at the front of the house from continued deterioration. The basement will be dry but the integrity of the foundation will continue to decline. According to the mason we will eventually run into structural integrity issues with the deterioration of the foundation. This is our home and we want it to structurally and safely stand the test of time for years to come. The basement professionals did not recommend that we dig out the foundation from the exterior, as is sometimes recommended to apply a waterproof membrane, as doing so could cause the foundation walls to collapse with the removal of the dirt. The ultimate solution, and in actuality our only option (other than doing nothing), is to restore the wrap-around porch back on to the front of the house which will significantly decrease, if not eliminate, the amount of water that can penetrate the ground around the foundation. This will offer the most protection and keep the basement significantly drier as that is where water is coming into the basement. It is also the most cost-effective solution as we will be doing the vast majority of the construction ourselves with help from family that work in the construction industry. We simply cannot afford \$17,000 to keep our basement dry but still not adequately protect the foundation, especially after already paying to have masonry and landscaping work completed without fixing the problem. If we are to abide by the strict letter of the Code, we cannot restore the porch as it doesn't fall within setback requirements and our only option would be to waterproof the basement. This option is out of our price range and does nothing to protect the foundation from future damage. We are asking for a variance that will allow the porch and the accompanying porch roofline to sit at a setback of 16' from the sidewalk. This will allow the foundation to be adequately protected from rainfall, which keeps our basement from taking in water, limits mold growth and mildew, and preserves the integrity of the foundation and accompanying structure which sits on top of it.

To the second standard, the aforementioned hardship most certainly relates to the unique physical characteristics of the property and is peculiar to our property. It is not a hardship that affects all parcels. It is uniquely related to the fact that the foundation where the porch previously existed was not meant to be exposed. As the standard also states, "nor must the hardship be self-imposed, nor must the hardship or difficulty be due solely to the desires of or conditions personal to the applicant, such as a desire to increase the value or income potential of the property". The fact that the basement takes in water was an issue before we moved into the home, and not one we imposed upon the property. We also are not looking for any personal gain in the home, other than to use our basement for the purpose intended, keep a healthy living environment free of mold for us and our children, as well as restore the historical nature of the home. Adding the porch will undoubtedly add value to the property, but we are not intending to sell the property (and therefore make a profit); this is our family home. We bought the home in December of last year and plan to live here and grow our family for the foreseeable future.

Standard number 3 states that we must not harm the public or undermine the purpose of The Codes. I would like to reference the Zoning Code here. The Code states in Chapter 17, Subchapter I,

17.04 and 17.05 that the “purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, history, and general welfare of the City” and the intent of this chapter of The Codes is to “preserve and promote the beauty of the City; preserve and promote the history of the City.” The property in question was the home of J.L. Stewart from the time the home was built in 1887 until his passing. Along with his brother, J. Stewart started Stewart Brother’s Lumber Yard in 1882 which, after his passing, was sold to the Deppe Lumber Company in 1912. The home was passed on to Paul Stewart (the nephew of J.L.) who lived in the home for decades. Paul Stewart was one of the Baraboo 21, one of the survivors of the sinking of the SS Tuscania after it was hit by a German U-boat in World War 1. Today there currently stands a memorial for those who lost their lives from the sinking of the SS Tuscania, which is located in Lower Ochsner’s Park. The Stewarts and their home have a deep history in Baraboo. Adding the original porch back onto the home helps us in our journey to restore the home to its historical glory as well as “preserv[ing] and promot[ing] the history of the city”. This property is a part of Baraboo’s history. One only needs to take a look at other homes on Ash Street to see the rich history that this portion of the community holds. Start at 1st Street with Bella Vita Café and continue down Ash Street to the Charles Ringling mansion on 8th Street, now a bed and breakfast. So many of the homes are historical in nature and not within setbacks laid out by The Code. For reference, 701, 709, and 821 Ash Street currently have setbacks of 16, 13, and 11 feet respectively from the sidewalk. These three properties are all within two blocks of the property in question. 614 Ash Street was intended to have a porch and I completely understand that this point alone does not necessitate the allowance of a variance but it is a part of the reasoning behind seeking the variance in question. The property is 2.5 blocks off of the square. With such proximity to Downtown Baraboo, the property in question is exposed to a lot of foot and auto traffic from both the local population and tourists. The property and home are in small part a representation of Downtown Baraboo. Restoring the porch on our home will continue the endeavor to revitalize the Downtown community as well as Ash Street specifically.

Of course, we also understand that preserving the beauty and history of Baraboo and the properties within the city must not come at a cost to the public. We understand that it is also the purpose of The Codes to protect the public welfare as well as protect other properties. The addition of the porch on this property does not block light or air, does not impede or congest traffic, and does nothing to decrease or injure other properties or improvements in the neighborhood. In fact, it does quite the opposite. The addition of the porch to the home will increase the value of the home, which in turn will increase neighboring property values as well. The increase in property value of both this home and its neighbors means greater tax revenue for the City of Baraboo. The setbacks are currently 25’ and we are asking for a variance to these setbacks of 16’. We are not attempting to undermine the purpose of the Codes but as we see it, the addition of the porch is a great example of honoring the intention and the purpose of The Code as well as bettering the community and increasing revenue for the City of Baraboo. It also solves the water problem in our basement, ensures that the home remains structurally intact, and inhibits mold growth that can affect our children and ourselves.

We would also like to address several of the points that The Board considers when making this decision:

- (1) *“Whether the particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out”*

This was addressed above. It is more than a mere inconvenience. The water in our basement creates damp conditions and mold growth which leads to health problems and compromises the structural integrity of the home. We have tried other remedies with no success and simply cannot afford to have the entire basement waterproofed without actually protecting the foundation from further deterioration. The only way to truly resolve the water issue and simultaneously protect the foundation and preserve the structural integrity of the home is to restore the porch, which we are unable to do because of the regulation regarding setbacks.

- (2) *"Whether in the reasonably foreseeable future, the uses, values, purposes and enjoyment of other property in the neighborhood would be substantially impaired or diminished by the variance."*

The addition of a porch on the front of the property has virtually no immediate or long-term negative impact on the surrounding properties in the neighborhood. The variance we are requesting is for the front of the home, which abuts the street and alleyway, and not any of the neighboring properties. If surrounding properties are going to be affected (now or in the future) by the porch restoration it will be in a positive manner, increasing property values.

- (3) *Whether the variance will impede the normal and orderly development and improvement of the surrounding property for permitted used.*

There will be no impedance to development or improvement of surrounding property, we are just asking to extend the porch along the front and alley side of the home (as well as the roofline). If anything it adds to the surrounding properties. There are many historical homes on Ash Street that have revived the neighborhood and given it quite a facelift. We want to continue that trend. This improvement not only increases the property value of the property in question, but also other properties in the neighborhood.

- (4) *Whether the alleged hardship or difficulty is peculiar to the parcel under consideration and different from that of other parcels and not one which generally affects all parcels similarly*

The porch/foundation/water issue is peculiar to our home. The other properties do not (to our knowledge) struggle with the same hardship for the same reason. This is an issue because the home was built originally with a porch around the front and alley side and that portion of the foundation was not intended to be exposed.

- (5) *Whether the alleged difficulty or hardship is caused by the ordinance or has been created by any person presently having an interest in the property.*

The ordinance specifically causes the foundation to remain uncovered and thereby water to enter the basement. It has not been created by anyone or anything other than the foundation being exposed to the elements. When and for what reason the porch was removed is unknown to us and the previous owner.

- (6) *Whether the purpose of the variance is based exclusively on a desire for economic or other material gain by the applicant or owner.*

The addition of the porch onto the home does add value to the home. However, this is our home and we have no intention to sell the property after the addition of the porch. The purpose of the variance is to prevent destruction of the foundation, keep water from entering the basement, preserve structural integrity, and to restore the historical nature of the home. The intent is to keep our home structurally sound, dry, and our family healthy.

- (7) *Whether the granting of the variance will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

As mentioned above, in point #3, the addition of the porch *adds* to neighborhood only in a positive manner, increasing property value and tax revenue. There is essentially no negative effect on public welfare. The property in question is approximately 2.5 blocks from the downtown Baraboo area. Its proximity allows for a large portion of the city and tourists to drive and walk by the property. The addition of the porch allows for further revival of the Ash Street and downtown neighborhoods.

- (8) *Whether the variance will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger or be detrimental to the public safety, or substantially diminish or impair property values within the neighborhood.*

The addition of the porch does nothing to impair light and air to adjacent properties. There would be no impact on congestion in the streets as the viewpoint from the alley will be more open with the removal of shrubbery and landscaping currently alongside the front of the home. The proposed porch will not extend into the current location of said shrubbery. As already stated above, the porch addition will not diminish or impair property values within the neighborhood, but will actually increase them.

- (9) *Whether, in the case of floodplain areas, the granting of the variance will result in any change in established flood elevations or profiles, permit a lower degree of flood protection in a floodplain than the flood elevation, allow any floor, basement, or crawlway below the regional flood elevation, allow actions without the required amendments, or have the effect of allowing or extending a use or building which is prohibited in the zoning district.*

This point does not apply except in the fact that the addition of the porch will *decrease* the current water issue in the property's basement.

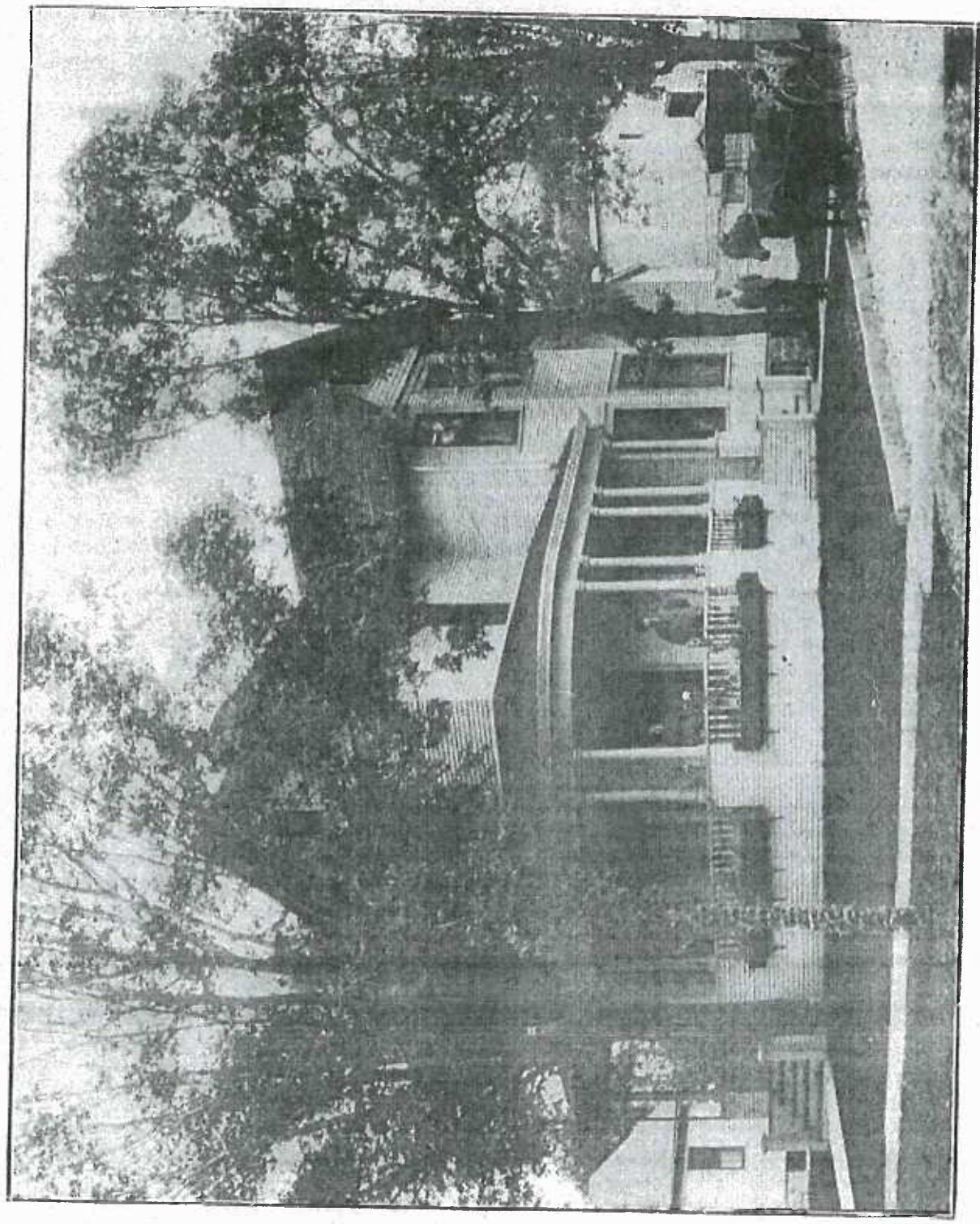
We want to seriously thank you for your time and consideration in this matter!



Eric and Malarie Montie



Photo 1



Residence of J. L. Stewart.

Baraboo News Republic 1899



Photo #2



Photo #3

To: City of Baraboo

To Whom It May Concern,

I am a Master Mason with over 30 years experience. I was recently contracted by Eric and Malarie Montie to inspect and repair the foundation of their home located at 614 Ash Street.

Upon initial inspection, I noted that the foundation on the west/southwest corner of the home is constructed of a material different from that of the rest of the foundation. Both are limestone but of different varieties, one hard and one soft. The foundation area outside of the south/southwest corner is composed primarily of hard stone commonly used at that time. However, a softer limestone was used at the front and alley side of the home. This was most likely due to the fact that the softer limestone was cheaper and it would not be exposed to the elements as it would be under the porch. When exposed to the elements (i.e. rain and snow), the softer limestone deteriorates much faster than the hard stone, which was used for the remainder of the foundation. Unless the softer limestone portion of the foundation is protected from the weather, such as with a porch, deterioration will persist and water seepage in the basement will continue to be a problem.

If you have any questions you can reach me at 608-566-5033

Mark Jesse

A handwritten signature in blue ink, appearing to read 'Mark Jesse', is written below the printed name.



Photo #4



Photo #5



Photo #6



Photo #7

Names and addresses of all abutting and opposite property owners within 200 feet

610 Ash Street

Kelli Gilbert
PO Box 204
Deforest, WI 53532
608-434-4422

620 Ash Street

Ronald Markley

209 4th Street

Suzette Martin

135 4th Street

City of Baraboo (Fire Department)

212 5th Street

Shawn and Kristin Hermsen

Plot Plan



Proposed Porch

We support the restoration of the wrap-around porch along the front/alley of 614 Ash Street despite the fact the proposed porch would be 16' from the street line instead of 25' as laid out in The Code.

Name

Address

Delby Gill

808 Ash St

Angi Nani Schmel

816 Ash St

Lynice Norris

1913 east St

Rodney W Clark

918 Ash St

Jammy Cofredo

337 Baden Dr (905 Ash)

Emily Keefe

(434-5208) 821 Ash St

Zach Swanson

821 Ash St

Sean Evans

821 ash st

TERRI JANSEN

709 1/2 ASH ST

Stephanie Shaul

7101 Ash Street

Megan Krauthammer Baraboo Fire

~~2021~~ 135 4th Street

Porch

From: Jaime Sathasivam (jaimes@hopehousesw.org)

To: e_montie@yahoo.com

Date: Tuesday, July 28, 2020, 05:03 PM CDT

Good afternoon,

I was told you are interested in restoring your house and re-adding the porch, which would come close to the sidewalk. I am one of the Executive Director's for Hope House and we have no objection to this.

Best of luck on your work to make the restoration happen!

Jaime

Jaime Sathasivam

Director of Finance and Grants

Hope House of South Central Wisconsin

608-356-9123